

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 23-cr-203 (SRN/TNL)

UNITED STATES OF AMERICA,

Plaintiff,

v.

CURTIS LEE FERGUSON,

Defendant.

**ORDER DENYING
MOTION TO
RECONSIDER
DETENTION**

This matter came before the Court on January 11, 2024, for a hearing on Curtis Lee Ferguson's motion to reconsider detention pursuant to 18 U.S.C. §§ 3142(f) and 3142(i). ECF Nos. 94, 106. Curtis Lee Ferguson appeared in custody and was represented by his attorneys, Aaron Morrison and Matthew Deates. The United States was represented by Assistant United States Attorneys Raphael B. Coburn and Esther Soria Mignanelli.

BACKGROUND

On May 11, 2023, Magistrate Judge Dulce J. Foster held a detention hearing, found by clear and convincing evidence that Mr. Ferguson presented a danger to the community, and ordered him detained pending trial. Magistrate Judge Foster noted that Mr. Ferguson's criminal history includes three prior violent offenses and that the instant offense occurred while Mr. Ferguson was under court supervision. ECF No. 33 at 2. Magistrate Judge

Foster ultimately concluded that “no condition or combination of conditions of bond will reasonably ensure the safety of the community.” *Id.* at 3.

On January 5, 2024, Mr. Ferguson filed a motion for reconsideration of the prior detention order. Pre-trial services submitted a status report to the Court on January 10, 2024, recommending continued detention.

At the hearing, Mr. Ferguson argued that materially changed circumstances warranted his release and that temporary release was appropriate. The United States argued in opposition to the position of Mr. Ferguson. For the reasons stated below, the Court will deny Mr. Ferguson’s motion to reconsider detention, including his request for temporary release.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Mr. Ferguson is charged by Indictment with one count of felon in possession of a firearm in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8). In considering Mr. Ferguson’s motion for reconsideration of detention, the Court considers whether “information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue of whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person in the community.” 18 U.S.C. § 3142(f)(2)(B).

Based on the record before the Court, the Court concludes that, while Mr. Ferguson’s participation in mental health counseling is new information,

it does not have a material bearing on whether there are conditions of release that will reasonably assure the safety of the public. Mr. Ferguson's participation in mental health programming while in custody should be commended. His relatively short duration of participation in programming, however, in comparison to his long and varied criminal history, including violent offenses and a 2023 conviction for criminal sexual conduct occurring while he was on probation, does not change that there is no condition or combination of conditions of release that would reasonably assure public safety.

As for Mr. Ferguson's request for temporary release, he is charged with felon in possession of a firearm and has able counsel. The Court concludes that Mr. Ferguson's release is not necessary for participation in his defense or for any other reason.

For the foregoing reasons, **IT IS HEREBY ORDERED** that Mr. Ferguson's motion to reconsider detention, ECF No. 94, is **DENIED** along with his request for temporary release.

Dated: January 18, 2024

s/ Tony N. Leung
Honorable Tony N. Leung
United States Magistrate Judge

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